



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

Crl.OP(MD)No.14544 of 2020

WEB COPY

Ilaiyaraja

... Petitioner/Accused No.1

vs.

1.The Deputy Superintendant of Police (Rural),
Tuticorin, Tuticorin District.

2.Inspector of Police,
Thattaparai Police Station,
Tuticorin District.
(Crime No.163/2020)

...Respondents 1 & 2

3.Esakkimuthu

...3rd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the learned II Additional District Cum Sessions Judge (PCR Act Cases) Tirunelveli to consider the bail application on the same day of petitioner's surrender in Crime No.163 of 2020 on the file of the second respondent.

For Petitioner

:Mr.C.Christopher

For R1 & R2

:Mr.A.Robinson,

Government Advocate (Crl. Side)

O R D E R

The present petition has been filed under Section 482 of Criminal Procedure Code to direct the learned II Additional District Cum Sessions Judge (PCR Act Cases) Tirunelveli to consider the bail application on the same day of petitioner's surrender in Crime No.163 of 2020 on the file of the second respondent.

2. The petitioner is the accused in Crime No.163 of 2020 of Thattaparai Police Station, Tuticorin District for the offences punishable under Sections 288, 304 of IPC, Sections 8 and 9 of Prohibition of Employment of Manual Scavenger and their Rehabilitation Act, 2013 and Section 3 (1) (i) of SC/ST (Prevention of Atrocities) Act, 1989.

3. The case of the prosecution is that the petitioner has engaged the services of the third respondent's son for cleaning a



septic tank and during the cleaning work, the third respondent's son became unconscious and died on the way to Hospital.

4. Mr.A.Robinson, learned Government Advocate (Crl. Side) accepts notice for the first and second respondents.

WEB COPY

5. Mr.C.Christopher, learned counsel appearing for the petitioner contended that the present petitioner is not the owner of the vehicle which was utilised for cleaning of the septic tank and that the petitioner was wrongly implicated in the First Information Report. His another contention is that since the petitioner also belongs to Scheduled Caste community, the offence under Section 3 (1) (i) of SC/ST (Prevention of Atrocities) Act, 1989 would not be attracted in the instant case. He further drew the attention of this Court to the order passed in Crl.OP(MD) No.12925 of 2020 on 18.11.2020 by the Single Bench of this Court, wherein, accused no.2 was permitted to surrender before the learned II Additional District and Sessions Judge (PCR Act cases), Tirunelveli.

6. Considering the facts and circumstances of the present case, the petitioner can surrender before the concerned Judge (PCR Act Cases), Thoothukudi within a period of fifteen days from the date of receipt of a copy of this order / uploading of the order. The concerned Judge (PCR Act Cases), Thoothukudi shall dispose of the petitioner's bail petition on the same day of surrender strictly on merits in accordance with law after giving notice to the Public Prosecutor.

7. With the above observations, this petition is disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MBI

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The II Additional District cum
Sessions Judge,
(PCR Act Cases), Tirunelveli.

2.The Presiding Judge,
(PCR Act Cases), Thoothukudi.

3.The Deputy Superintendant of Police (Rural),
Tuticorin, Tuticorin District.

4.The Inspector of Police,
Thattaparai Police Station,
Tuticorin District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.OP(MD)No.14544 of 2020

18.01.2021

KM (01.02.2021) 3P 6C